Comments on some approaches the PPWG might consider:
Steve Pomerance -- October 22, 2016 draft

Problem Statement:

1) People don't trust city council to pay attention to what they have to say, and assume that the council members have their own agendas which they will pursue irrespective.
2) People don't trust the city staff, and assume that they have their own narrow department based agendas that they are pursuing and are not willing to alter course given what the citizens might want, or consider the implications on other areas of city concern.
3) People don't trust the policy formation process, and assume that it will be biased, incomplete, and not include contextual issues that are relevant to the item under consideration, so that their input is pushed into boxes that are not relevant to the issues that they think are important, or that the whole process missed some of the real issues, and so is too narrow. Or worse, that the decision is already made and all this is for show.

Fixing things:

Item 1: Policy Formation
The critical point is that public input is part of the broader process of policy formation. If that process is done properly, people will have appropriate opportunities to provide input on all aspects, including the framing, the analysis, and the decision-making.

To fix the policy formation process, some ideas that might be useful:
• Have the City hire someone who has actual experience doing this, like someone who has done EIS work, or the like. This person would have to be a recognized expert, work with the departments but be independent of them, and basically guide staff people through the process.
• Draw up an outline and format for this type of work. This would include such things as stepping back from the "good idea" to do proper problem definition, distinguishing means from ends, and identifying and clarifying qualitative goals, quantitative objectives, list of alternative approaches, relation to other city activities and departments, and looking at the externalities, cost/benefit analysis, effectiveness/efficiency analysis, for the alternatives, etc.
• Use a citizen "expert" working group to vet whatever is done using the above, or actually help design the above.
• This should also be the role of the boards and commissions in their specific areas, but the staff has pretty much neutered them. This needs to be reversed.
• Including some outside folks who have a lot of experience working on the design of the big policy debates would be very useful.

- Use citizen "advocate" groups to critique the results of the above, so that issues that the advocates are concerned about are given proper weight.
- Ultimately the most important thing here is that all projects be viewed in an integrated fashion, so that their relationship to goals and objectives of other areas of city activities are considered. It does no good to have great policy work for one area if it's impacts on other areas are significant but not dealt with.

Doing the above will create some "honest" policy analysis, and thus provide people with proper opportunities to participate, and give then solid reason to think that they are providing input into something that is well designed.

Item 2: Communication and Feedback

For people to feel that what they say matters, a basic rule of communication is that there is meaningful feedback to the speaker from the hearer. Without that, people feel like they are talking into a black hole, which is not satisfying at all. And when they see the City fail to acknowledge a situation that is obvious (like some mistake or omission that comes to light), they assume that the City has no interest in the truth, and is just worried about appearances.

To fix the communication and feedback process, a few ideas:
- When people show up to council to testify, there should be some dialog between the council and the speakers. This doesn't have to happen with everyone, but if the council starts asking questions, it will become clear to people that they are interested, and by having to engage, it may actually help the council to become interested and engaged, and not stuck in their ivory tower.
- And if the staff work is done properly and completely before the item is up for public debate, then the council members will be ready to actually engage, instead of being like deer in the headlights, as is typical now.
- Agenda items should not go public until the policy work is really ready. Having items show up half-baked, as has happened so many times in the last few years, puts the citizens in a quandary – do they comment on the content or the context?
- Council members should attend and participate in all the important WG efforts of whatever kind. Someone needs to be there who can hold the staff accountable, and see whether things are working or not.
- A critical point is when the City makes a mistake, these must be acknowledged publicly and then corrected. Nothing destroys people's trust faster that when obvious mistakes are ignored or buried. The city should follow the "3 UP" rule – when you screw up, own up, and then clean it up.

The coop discussion is an example that I didn't discuss below, but it is illustrative. First, it was clear from the very start that the Council wanted to do this, and nothing was going to persuade them otherwise. So people already saw the whole process as a shuck, and the council members not as their representatives, but as their bosses/dictators. Second, they failed to do the obvious step back on this to see what related issues there were, like other "occupancy" issues that they might address that might be more acceptable to people in SF neighborhoods – 2 single mom's in a house with 2 kids each, 4 seniors living together, families with unmarried parents, etc. Third, they operated with zero data – what's the market for coops, how many real coops exist now vs. over-occupied rentals, what abuses are already taking place, what did their neighbors think, etc. Fourth, they ignored and refused to take seriously an obvious solution, which is allowing the neighbors to vote on whether a coop has been a good neighbor and so could stay. This refusal guaranteed that the citizens would think that whatever they said didn't matter. And so on…

Item 3: Results
Two things are likely from taking these approaches.

1) The number of times people need to show up to participate in whatever form would be dramatically reduced. With proper policy analysis, the range of options would be dramatically narrower and more focused, and so could be the input. (This is based on my experience; the range becomes more limited as more aspects are taken into consideration.) So people wouldn't have to keep showing up, and the results would be based on specific responses to particulars, not vague generalities with no substance behind them.

2) The big picture questions, that help resolve many of the smaller issues, would be resolved, or at least the range reduced. Again, this is based on my experience with the 1993 Integrated Planning Project. After intense council involvement over many months in considering alternative paths, in creating the questionnaire to gain input, and the staff participating in meetings and gatherings covering thousands of citizens, the results were very clear and overwhelmingly focused as to what people wanted. Had the next council implemented the results, most of what we see now as major disputes would have been resolved and been behind us.

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One other point that you might find useful — the distinction between "expert" public participation and "advocate" public participation.

These are kind of the two poles of public participation, and the City has a habit of confusing them, which generally doesn't work if you are trying to do good policy formulation. Here are some polar opposite examples:

The staff working on the energy issues have done a good job using this distinction — they use working groups of citizens who are (relative) experts to help sort out policy approaches, no doubt stimulated by the fact that they have to operate in the real world, where the reality of energy consumption, emissions, and power and gas bills, are, in some sense, outside measures of whether the work is done well or not. The efficiency program rebuild in 2009 was one of the best example I've seen — there were volunteer experts from all over the map participating, and the results were some really well designed programs that got to the heart of the issues — and some have become national models. Their test is the ultimate reality show — do the programs work for the constituents? And the work on the municipalization project has had some really good expert citizen input on most of the decisions (but unfortunately not all) and the various elections and the debates leading up to them have provided very intense advocate participation.

The staff working on the transportation stuff went the opposite way — in the 6 months leading up to the Right Sizing debacle, in the Transportation Advisory Board meetings (I reviewed the minutes), there was only one single comment by a Board member on the content and whether it made sense; the rest of the discussions (and there were a lot of them) were solely on how to sell the idea, which led to a disaster because the idea foundered on its inappropriateness to address a real world problem. So it was a total waste of time, damaged (some say destroyed) the City's credibility on the underlying issues, and worse, missed a really good opportunity to do proper issue identification of the bigger objectives and how to address them, like traffic congestion and emissions reductions and providing adequate bike routes. The Complete Streets project is shaping up to possibly be another one of these "good idea" diversions from these real issues. And the 2014 Transportation Master Plan process lacked the critical type of both advocate and expert input, and so is at some level a fantasy (having a $459M deficit in its funding for the Vision Plan). It also has numerous confusions between real/ultimate goals and interim/conditional goals (really tools at best). A good expert participation process could have straightened this out before it got fixed in stone.

Generally the City tries to combine both types of inputs into a single working group or public process, and that doesn't work, since both types of comments get mis-conflated as being one or the other, or given equal weight when they are very different and fit in differently into the process. The working group on Impact Fees and a number of the ones on Housing policy have been like this.

It's not hard to get people in Boulder who are relative experts on pretty much anything to play, and in my experience, they can work well together doing policy formulation even if they disagree on the possible approaches. And it's certainly not hard to find intelligent advocates on all sides of whatever. But put advocates into the mix when what you need is critical analysis, and the process gets significantly altered. Not that being an advocate is less useful (in fact ultimately it's what this is all about), but it's critical to make the distinction as to the roles and timing if you want to make progress — their input matters at different points in the policy formulation process.

Of course all of this is dependent on the process being designed with integrity…see below...

Steve Pomerance

P.S. Some related distinctions that have to do with the integrity of the public policy formation process, and hugely affect the public participation part, are the following:

** Is the discussion about "means" or "ends"? Talking about "means" as if they were "ends", is disingenuous, and people generally tune into that, whether they are conscious of it or not, and become angry when the discussions around "ends" are shortcut or simply ignored.

** Is the discussion "silo-ed" or "integrated"? Discussing questions e.g. about land use changes without considering the implications for housing costs and traffic and who should pay for the new services and facilities would be right up there on the "silo" end of things, and people quickly tune into this and are not happy even if they are allowed to participate.

On Oct 17, 2016, at 7:42 PM, Steve Pomerance <stevepom335@comcast.net> wrote:
To the PPWG,

Sorry I had to leave your meeting early today — it was quite interesting and I think you have some good angles to pursue.

Here's an observation that I think might be useful:

The public participation process is an element of a larger process, which is the policy formation process (generally referred to as "policy analysis", at least that's what I've seen in some books I've read on the subject.)

If the policy formation process is poorly constructed or managed, then it doesn't matter how good the public participation process is, no one will be happy about the outcome. And conversely, if the policy formation process is well designed and managed, then the probabilities are that the citizens who participate will feel like they were treated fairly and dealt with properly, even if they didn't get their way.

So…I think you need to look at what you are working on in that context.

I have some ideas as to how to do this, but at this point, I don't want to write an essay on the subject, just to hopefully get you to think about what you are trying to do in this context.

I will say, however, that the city is NOT very good at doing policy formulation at all. The range of errors and intentional distortions varies widely, but the most prevalent one I think is that a "good idea" becomes the policy objective, rather than stepping back to carefully do issue identification, and then come to a more appropriate definition of what the problem is that you want to solve or what the objective is that you want to achieve. And the second most prevalent one is the staff having their own agenda, and so input that contradicts that is ignored.

The "Right Sizing" of Folsom was a perfect example of a "good idea" becoming a policy goal without any real stepping back as to really identify what was supposed to be accomplished and whether this was the optimal or even possible solution. And this one was made much worse by the staff concealing the critical info, which was their accident analysis that showed that the "rightsizing" would likely accomplish almost nothing in terms of safety.

Another example is the Housing Boulder process. Here the "good ideas" were a list of goals, some of which were totally unrealistic. There should have been a reality test to these first so that people's participation was around some realistic goals, not some planner's fantasies.

A third one was the Impact Fee process. Here there was a lack of integrity in the process. The staff, at least those who were running the show behind the scenes, had their own agenda, and it wasn't to do an honest job on the analysis but apparently to protect the developers' profits. So any input that contradicted what the staff wanted was simply ignored. It was really pathetic IMO.

A fourth one is the BVCP process. As Michael Caplan said today, it's impossible to understand exactly what the policy objectives are here, because the process is just following a form rather than having some considered and comprehensive objectives. And the lack of integration of land use issues with housing and transportation ones makes it all the more difficult to provide useful input.

My point here is that you could have looked at just the public process portion of these, and not really seen where the problems lay until you stepped back and looked at the larger process. So perhaps listing off a number of different ones, like these, and looking at how the public participation fit into the larger picture might be useful.

I'd be happy to answer questions if you want to discuss further.

Steve Pomerance

On Oct 17, 2016, at 3:01 PM, Stephen Pomerance <stevepomerance@comcast.net> wrote:

To: Public Participation group
From: Steve Pomerance, October 17, 2016

Some observations:
[if !supportLists]**1)**   [endif]**There are a large variety of ways that citizens participate, including emails, testimony at meetings, membership in working groups, and filling out surveys. I suggest reviewing the many differing events over the last few years to see what worked or didn't,** before you start on trying to "solve" the problem. It's called issue identification, and is a critical but often ignored part of doing good public policy work.**
[if !supportLists]**2)**   [endif]**A key part of all public participation processes should be real feedback. Just saying to citizens, "Thanks for sharing" doesn't cut it, but that's what happens for the most part now. People have no clue if what they say is heard and absorbed, or just goes in one ear and out the other.**
[if !supportLists]**3)**   [endif]**Integrity is the bottom line value that needs to be in the system, and has been notoriously missing. When no one trusts the motives of those running the show, no approach (no matter how sophisticated) will make people feel better about the process. And the first step in putting integrity in the process is acknowledging mistakes and then cleaning them up.**

Here's a piece I wrote for the Camera in August on the subject. It has plenty of different types of examples of what hasn't worked:

"Restoring public participation in Boulder's government"

The Boulder city council is setting up a working group to improve how the "public" participates in its governance. This will be a big undertaking, since the process is flawed from top to bottom.

At the highest level, the lack of trust is evident. Citizens are asking, "Do the council and staff really work for us the citizens, or are they in it for themselves? Do they really value

what we care about, or do they hold their personal goals and interests paramount?" This should not be an "either/or", but the current unacknowledged tension makes many citizens feel irrelevant, whether they are testifying at a council meeting, or are invited to participate in a staff-managed process.

I have certainly experienced this myself. There is an almost total lack of feedback when testifying at council or emailing the council on substantive issues. And even as an appointee to the City's working group on impact fees (an area where I'm a relative expert), when I identified significant flaws in the staff work, my observations were simply ignored. For example, I pointed out that certain land costs were not included in the fee calculations, even though they should have been according to standard practice and the consultant's own "buy-in" methodology. But my comments were disregarded; I may as well have not been there. Also ignored were serious flaws in transportation fee calculations and in the legal basis for the proposed jobs-housing linkage fees.

The public participation process failure sometimes starts with flawed goal setting, like with the Housing Boulder project. Some of the original goals, rubberstamped by the Council, were completely unrealistic, such as having a variety of housing types in every part of the City, or making every part of every neighborhood a 15-minute walk to Open Space, shopping etc. Even though these two would have required a redesign of much of the city, they quickly became fixed in stone. This meant that citizens' comments were constrained so as not to threaten these poorly conceived notions, making many people feel like the outreach meetings were just for show.

People get very frustrated when the City doesn't acknowledge its mistakes. For example, the City said vehicle travel times on City arterial streets haven't increased over the last decades. But then a citizen observed in the Camera that in 2004 the staff stopped recording travel times when there was street maintenance, etc., so that the times before and after that date are not comparable. But the City never acknowledged this misrepresentation. The same thing happened with the staff's accident forecast analysis for the Folsom "rightsizing"; it was buried until after the debate, and no one acknowledged this failure.

The problems range from the obvious to the esoteric. On Saturday, the Camera carried a story about a City tour of existing and potential sites for the "homeless." It is glaringly obvious that this is a big issue in Boulder, and especially concerning for those who might end up being neighbors to these new facilities. But instead of arranging a second or third bus for those members of the public who want to attend, the City dissuaded them from "tagging along" – hardly an effective way to encourage participation.

On the esoteric side, I have pointed out, to no effect, a number of flawed staff legal analyses associated with election laws. These range from staff's misreading the state law regarding the title setting process for 300/301 last year, to removing a section of Boulder's code that previously prevented city contractors from contributing to council

candidates' campaigns; even Federal law prohibits such contributions for congressional elections, because of the obvious potential for graft.

The council's attempt to legalize "rental co-ops" has lacked any structured public process. As a result, essential questions have not been answered, such as how many illegal co-ops there are; the extent to which they are merely conveniences for relatively well-off people with itinerant lifestyles versus a real help for the less economically fortunate; what the resident count and turnover rate is; what quality of neighbors they are; where they could be located without major impacts; what the market for new ones is; etc.

When such problems and concerns are ignored after citizens have attempted to raise them, people reasonably conclude that the City is more interested in appearances than real feedback. So I suggest that a good start for this process would be to apply the "three up" rule that I used when I was on the council: When you foul up, fess up, and then clean it up.